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4 BILL NO. S-77-01-14

5 SPECIAL ORDINANCE NO. S-18-77

6 AN ORDINANCE approving a contract
7 with Wayne Asphalt and Construction
8 Co., Inc., for Resolution No. 5744-
1976.


9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
10 FORT WAYNE, INDIANA:


11 SECTION 1. That the contract dated December 27,
12 1976, between the City of Fort Wayne, by and through its Mayor
13 and the Board of Public Works and Wayne Asphalt and Construction
14 Co., Inc., for:

15 Resolution No. 5744-1976: To improve by
16 resurfacing, improving curbs, and restor-
17 ing pavement on five streets in the 5th
and 6th Councilmanic Districts, as described
on the attached resolution,

18 for a total cost of \$40,977.00, all as more particularly set
19 forth in said contract which is on file in the Office of the
20 Board of Public Works and is by reference incorporated herein,
21 made a part hereof and is hereby in all things ratified, confirmed
22 and approved.

23 SECTION 2. This Ordinance shall be in full force and
24 effect from and after its passage and approval by the Mayor.

25
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27
28 
29 Councilman

30
31
32 APPROVED AS TO FORM
33 AND LEGALITY,
34 
35 CITY ATTORNEY

Read the first time in full and on motion by Moses, seconded by Hings, and duly adopted, read the second time by title and referred to the Committee on Public Park (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the day of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: 1-11-77

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Moses, seconded by Hings, and duly adopted, placed on its passage. PASSED (~~TEST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>9</u>				
BURNS	<u>✓</u>				
HINGA	<u>✓</u>				
HUNTER	<u>✓</u>				
MOSES	<u>✓</u>				
NUCKOLS	<u>✓</u>				
SCHMIDT, D.	<u>✓</u>				
SCHMIDT, V.	<u>✓</u>				
STIER	<u>✓</u>				
TALARICO	<u>✓</u>				

DATE: 1-25-77

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION)

ORDINANCE (RESOLUTION) No. S-1877 on the 25th day of Jan, 1976.
ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1976, at the hour of 11:00 o'clock 4 M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 28th day of January, 1976, at the hour of 11:00 o'clock a. M., E.S.T.

Robert E. Armstrong
MAYOR

Bill No. S-77-01-14

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on PUBLIC WORKS to whom was referred an Ordinance
approving a contract with Wayne Asphalt and Construction Co., Inc., for
Resolution No. 5744-1976

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

WINFIELD C. MOSES, JR. - CHAIRMAN

DONALD J. SCHMIDT

VIVIAN G. SCHMIDT

PAUL M. BURNS

SAMUEL TALARICO

DATE 1-25-77 CONSIDERED IN
CHARLES W. WESTERMAN, CITY CLERK

PROJECT WARSAW ST.
30. MONROE ST.
COMPTON AVE.
HOLLS LANE
 DATE _____ RES. NO. 5744

BID ANALYSIS SHEET

OFFICE OF CITY ENGINEER
 FORT WAYNE INDIANA

MATERIAL

CONTRACTORS

ESTIMATE

EXTENSION

Wayne Asphalt & Construction Co., Inc.

Hipskind Asphalt Corporation

L. W. Diller, Inc.

Brooks Construction Co., Inc.

Rick-Riley Const. Co., Inc.

STREETS—ALLEYS—SIDEWALKS
 QUAN UNIT MATERIAL

UNIT BID TOTAL BID

UNIT BID TOTAL BID

UNIT BID TOTAL BID

UNIT BID TOTAL BID

UNIT BID TOTAL BID

900	Sq. YD.	REMOVAL OF PAVEMENT	5.00	4,500.00	1.75	1,575.00	1.10	1,080.00	4.00	3,600.00	4.50	4,050.00	3.40	3,060.00
637	TON	HOT ASP. CONC. SURFACE	17.50	11,147.50	11.50	10,510.50	15.50	9,273.50	12.50	10,510.50	18.00	11,147.50	0.70	13,150.90
784	TON	" " " BINDER	17.50	13,720.00	15.50	12,152.00	16.50	12,936.00	14.00	12,544.00	16.50	12,936.00	9.70	15,144.80
1,384	L/F	CURB AND GUTTER	7.50	10,380.00	7.50	10,380.00	7.50	10,380.00	8.50	11,714.00	9.00	12,450.00	3.45	11,694.60
500	S/F	CONCRETE SIDEWALKS (4 IN)	1.50	750.00	1.50	750.00	1.50	750.00	1.50	750.00	2.00	1,000.00	1.25	625.00
55	Sq. YD.	REMOVAL OF SIDEWALK	5.00	275.00	5.00	275.00	5.00	275.00	1.50	82.50	5.00	275.00	3.25	178.75
34	TON	TOP SOIL	8.50	2,89.50	7.50	255.00	8.00	272.00	7.00	238.00	10.00	340.00	0.60	360.40
253	Sq. YD.	MULCHED SEEDING	1.75	442.75	1.50	379.50	1.00	253.00	1.75	442.75	2.50	632.50	1.65	417.45
2.1	TON	JOINT AND CRACK SEALER	500.00	1,050.00	500.00	1,050.00	400.00	840.00	700.00	1,470.00	800.00	1,600.00	1,000.00	12,000.00
18	EACH	CASTINGS PRT. TO GED (C.R.)	150.00	2,700.00	125.00	2,250.00	175.00	3,150.00	100.00	1,000.00	120.00	2,340.00	115.00	2,070.00
10	EACH	" " " " (C.H.)	150.00	1,500.00	100.00	1,000.00	150.00	1,500.00	100.00	1,000.00	150.00	1,500.00	115.00	1,150.00
16	EACH	WATER VALVES PRT. TO GED	60.00	960.00	25.00	400.00	30.00	480.00	60.00	960.00	75.00	1,200.00	25.00	400.00
TOTAL				47,714.25		40,977.00		41,789.50		45,111.75		42,775.30		43,047.10

CONTRACT

This Agreement, made and entered into this 27 day of December, 1976

by and between

-----WAYNE ASPHALT AND CONSTRUCTION CO., INC.-----

hereinafter called "Contractor" and the City of Fort Wayne, Indiana, a municipal corporation, hereinafter called "City," under and by virtue of an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations," approved March 6, 1905, and all amendatory and supplementary acts thereto, WITNESSETH: That the Contractor covenants and agrees to improve

Resolution No. 5744-1976: To improve by resurfacing, improving curbs, and restoring pavement on five streets in the 5th and 6th Councilmanic Districts, as described on the attached resolution.

by grading and paving the roadway to a width of XXXXXXXXXX feet with XXXXXXXXXXXXXXXXXXXX
XX
upon a foundation and with curbing as fully set out in the specifications hereinafter referred to, in a good and workmanlike manner and to the entire satisfaction of said City, in accordance with Improvement Resolution No. 5744-1976 and at the following price per lineal foot:

At the following prices:

Removal of Pavement	One dollar and seventy-five cents, per square yard	1.75
Hot Asphalt Concrete Surface (As per job design mix form.)	Sixteen dollars and fifty cents, per ton	16.50
Hot Asphalt Concrete Binder (As per job design mix form.)	Fifteen dollars and fifty cents, per ton	15.50
Curb and Gutter Combined Concrete (Includes removal)	Seven dollars and fifty cents, per lineal foot	7.50
Concrete Sidewalk (4")	One dollar and fifty cents, per square foot	1.50
Removal of Sidewalk	Five dollars, per square yard	5.00
Top Soil	Seven dollars and fifty cents, per ton	7.50
Mulched Seeding, Class "U"	One dollar and fifty cents, per square yard	1.50
Joint and Crack Sealer	Five hundred dollars, per ton	500.00
Castings Adjusted to Grade (C.B's.)	One hundred twenty-five dollars, each	125.00
Castings Adjusted to Grade (M.H's.)	One hundred dollars, each	100.00
Water Valves Adjusted to Grade	Twenty-five dollars, each	25.00
Castings Adjusted to Grade (M.H's.)	One hundred dollars, each	100.00
Water Valves Adjusted to Grade	Twenty-five dollars, each	25.00

The Contractor will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with Sections 5, 68, 69 of the Workmen's Compensation Act, approved March 14, 1929, in accordance with Section 14 of the Compensation Act (Acts 1929, page 545, being Section 9459 of Burns Annotated Statutes, Volume IV). (Section 40-1214 Burns Annotated 1952 Revision, Volume VIII).

A copy of General Ordinance No. C-60-66, concerning discriminating in employment under municipal contracts, is attached and incorporated herein by reference.

GUARANTY BOND

Know All Men by These Presents, That we-----

-----WAYNE ASPHALT AND CONSTRUCTION COMPANY, INC.-----Contractors

as principal, and-----

-----UNITED STATES FIDELITY AND GUARANTY COMPANY OF BALTIMORE, MD.-----as surety

are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of FORTY THOUSAND,

NINE HUNDRED SEVENTY-SEVEN DOLLARS AND NO CENTS-----

-----(\$40,977.00)
for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs,
executors, administrators and assigns firmly by these presents.

The conditions of the above obligation are, that whereas the said-----

-----WAYNE ASPHALT AND CONSTRUCTION COMPANY, INC.-----

did on the-----day of-----

-----, enter into a contract with the City of Fort Wayne to construct a

on-----~~XXXXXX~~ Street from Resolution No. 5744-1976: To

improve by resurfacing, improving curbs, and restoring pavement on five streets
in the 5th and 6th Councilmanic Districts, as described on the attached resolution.

-----according to certain plans and specifications, and
for a period of three years
also warranting and guaranteeing the work, material and condition of the pavement thereof as provided
in aforesaid contract and specifications. Now if the said-----

WAYNE ASPHALT AND CONSTRUCTION CO., INC.--shall faithfully perform and fulfill all the require-
ments of said warranty and guaranty, and make all repairs required under said guarantee, and in the
manner provided for, then this bond to be null and void, otherwise to be in full force and effect.

WITNESS our hands and seals this 9 day of December, 1976

YASTE, ZENT & RYE, INC.

Authorized Agents:

BY: *William C. Swick*

YASTE, ZENT & RYE, INC.

Approved this 27 day of December, 1976

WAYNE ASPHALT AND CONSTRUCTION CO. INC. (SEAL)

BY: *W. K. Stewart* W. K. STEWART, PRES. (SEAL)

UNITED STATES FIDELITY & GUARANTY (SEAL)

ITS: *James J. Ross* Attorney-in-fact (SEAL)

Edward H. LaMon
Ray G. Linder
Board of Public Works.

LIABILITY BOND

Know All Men by These Presents, That we -----

-----WAYNE ASPHALT AND CONSTRUCTION CO., INC.-----

as principal, and -----

-----UNITED STATES FIDELITY AND GUARANTY COMPANY OF BALTIMORE, MD.-----

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of -----

-----FORTY THOUSAND, NINE HUNDRED SEVENTY-SEVEN DOLLARS AND NO CENTS-----

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators and assigns firmly by these presents.

----- (\$40,977.00) -----

The conditions of the above obligation are such, that if the above named party of the first part shall faithfully comply with the foregoing contract made and entered into the -----

day of -----, with the City of Fort Wayne, Indiana, and shall faithfully fulfill all the conditions and stipulations therein contained, except the warranty and guaranty of the pavement as to the workmanship, material and conditions for the period of three (3) years, according to the true intent and meaning thereof in all respects, then this obligation to be void, otherwise to be and remain in full force and virtue in law and in the event the said City shall extend the time for the completion of said work, such extension shall not in any way release the sureties on this bond.

WITNESS our hands and seals this 9 day of December, 1976

YASTE, ZENT & RYE, INC.

Authorized Agents

BY: *Arthur G. Funches*

YASTE, ZENT & RYE, INC.

WAYNE ASPHALT & CONSTRUCTION CO., INC. (SEAL)

BY: *CK Stewart* STEWART PRES. (SEAL)

UNITED STATES FIDELITY & GUARANTY

ITS: *James L. Ross* (SEAL)

Attorney-in-fact

(SEAL)

Approved this 27 day of December, 1976

Edw N Radtke

Way J. Scott

Board of Public Works.

COMPLETED IN STREET ENGINEERING DEPARTMENT

DECEMBER 8, 1976

GENERAL POWER OF ATTORNEY

No. 86572

Know all Men by these Presents:

That UNITED STATES FIDELITY AND GUARANTY COMPANY, a corporation organized and existing under the laws of the State of Maryland, and having its principal office at the City of Baltimore, in the State of Maryland, does hereby constitute and appoint

Lane I. Ross

of the City of Fort Wayne, State of Indiana,
its true and lawful attorney in and for the State of Indiana

for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said UNITED STATES FIDELITY AND GUARANTY COMPANY, through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said

Lane I. Ross

may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said UNITED STATES FIDELITY AND GUARANTY COMPANY has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its Vice-President and Assistant Secretary, this 9th day of January, A. D. 1976

UNITED STATES FIDELITY AND GUARANTY COMPANY.

(Signed) By... Thomas A. Zecha
Vice-President.

(SEAL) (Signed) ... Ray H. Britt
Assistant Secretary.

STATE OF MARYLAND, }
BALTIMORE CITY, } ss:

On this 9th day of January, A. D. 1976, before me personally came Thomas A. Zecha, Vice-President of the UNITED STATES FIDELITY AND GUARANTY COMPANY and Ray H. Britt, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said that they resided in the City of Baltimore, Maryland; that they, the said Thomas A. Zecha and Ray H. Britt were respectively the Vice-President and the Assistant Secretary of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their names thereto by like order as Vice-President and Assistant Secretary, respectively, of the Company. My commission expires the first day in July, A. D. 1978...

(SEAL) (Signed) ... Herbert J. Aull
Notary Public.

STATE OF MARYLAND }
BALTIMORE CITY, } Set.

I, Robert H. Bouse, Clerk of the Superior Court of Baltimore City, which Court is a Court of Record, and has a seal, do hereby certify that Herbert J. Aull, Esquire, before whom the annexed affidavits were made, and who has thereto subscribed his name, was at the time of so doing a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and sworn and authorized by law to administer oaths and take acknowledgments, or proof of deeds to be recorded therein. I further certify that I am acquainted with the handwriting of the said Notary, and verily believe the signature to be his genuine signature.

In Testimony Whereof, I hereto set my hand and affix the seal of the Superior Court of Baltimore City, the same being a Court of Record, this 9th day of January, A. D. 1976

(SEAL) (Signed) ... Robert H. Bouse
Clerk of the Superior Court of Baltimore City.

TITLE OF ORDINANCE SPECIAL ORDINANCE - Contract of Wayne Asphalt & Const. - Res. 5744-1976DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKSSYNOPSIS OF ORDINANCE Contract with Wayne Asphalt & Construction Co., Inc. inamount of \$40,977.00 provides for resurfacing, improving curbs and restoringpavement on the following:Warsaw Street - Rudisill to McKinnieS. Monroe - Boltz to ColerickGumpper - Warsaw to HannaHollis Lane - from 127' west of Webster to CalhounAndre Lane - Hessen Cassel to Marvin DriveThis was the low of five bids received.(SEE TABULATION ATTACHED)EFFECT OF PASSAGE Provide needed pavement and curb restorationEFFECT OF NON-PASSAGE Failure to provide improvement awarded to low bidderMONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) Cost to City from Revenue Sharing\$40,977.00.

ASSIGNED TO COMMITTEE

Moses - Public Works